

05/10/2013

Attention: Sharon Jaffess

Express Tire & Auto Centers

"Impeccable Service, Driven By Integrity" 5 Locations – Minor & Major Service – Body Shop



Steve E. Thomas









937-302-8510 set1@woh.rr.com

On May 7th I was faxed the information that was sent to Albert Mader (Mader Motor Mart) 225 S. Walnut St. Troy, Oh. 45373. After some inquires, I was told that this was a certified letter to Albert Mader. The letter was signed for by an employee working at this address. The company (UCI) he works for is leasing the building from S.E.T.Landgroup, owned by me. My name is Steve E. Thomas and my cell number is This property was acquired from me by a partnership that ended very bitter. Dan Mader was my partner from 01/01/05 to 07/07/06. His father was Albert Mader, who owned the building prior to Dan Mader. I have very little knowledge as to what happened in this building prior to 2005. While as a partner with Dan, we had a parts store and service center. The parts store was sold and leased to UCI in Sept. 06. The service center called Bushong's is still in business in the same building with the mailing address being Express Tire & Auto Centers1 at 100 E. Race St. Troy, Oh. 45373. Further mail regarding this issue should be mailed to my office at 110 E. Canal St. Troy, Oh. 45373.

In regards to the letter sent to Albert Mader in Oct. 2012, I was not informed by Tenants of any such letter that was mailed to that address. There is an employee named David Mader that works for UCI who I have had a problem with hiding information from me, that was sent to that address. He is the Grandson of Albert Mader. The contact information for Albert Mader is Troy, Oh. 45373. Phone# Same Dan Mader is at Contact Information was taken out of the local phone book.

In response to the questions and to the best of my knowledge, my answers are.

- I have helped operate this building address from 01/01/2005 to 07/07/2006 as a partner to Dan-Mader. From 07/07/2006 to date I have been the sole owner of this property. Prior to 2005 I am not sure who owned the property. It had to be one of the Maders listed. I have been leasing the 225 S. Walnut side of the building to a company called UCI. The 100 E. Race St. side of the building is being leased to Express Tire & Centers1 that was started up after the partnership break up on 07/07/2006.
- There is the possibility of the solvents listed in question 2, being in the building. I knew very little about what was sold in the parts store, other than the automotive paints and solvents that were sold there. I sold the parts store to current Tenant (UCI) in Sept. 2007. They have been leasing it since then. I have very little knowledge of what materials they currently sell, or who their suppliers are. I have little information on their employees or who does what. The parts store is called Genuine Auto Parts and the address is 225 S. Walnut St. Troy, Oh. 45373. Their phone # 937-339-2681. The corporate address UCI at P.O.Box 14328 Rochester, NY 14614-0328. That phone number is 1-800-234-8998
- I have no information on past or present solid waste management units.

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I have no knowledge of any persons or previous property owners who would be responsible for any leaks or spills on this or any property. I have heard years ago that the property next to this building used be a DP & L site. Rumor mill was, there were some liquids that may have been disposed of, on the premises, prior to the current building which is currently owned by the Re-Store. This would have been possibly 50 years ago. The address there is 150 E. Race St. Troy, Oh. 45373. I was part owner of this building with x-partner Dan Mader. I sold this building to what is now called the Habitat ReStore for Humanity in 2007. While owned there was nothing with chemicals stored there.

I have tried for 5-days now to get the original paper work on this matter. No one is helping, or they are not telling me that the paper work they received has been discarded. In any case, I have no record of page 4, 6, 8, 1, 10, and 12. So as not to hold up the information I do have, I am enclosing what I have, and asking that further information on this matter be sent directly to me. I will be more than happy to furnish the information you requested, as soon as I receive what I am missing. Please send or E-Mail the rest of this information to Steve E. Thomas(110 E. Canal St. Troy, Oh. 45373). All my contact information is on my business card.

Regards

Steve E. Thomas



January 23, 2007

Mr. Gerry Santana
Lehman Brothers Bank, FSB
25520 Commercecenter Drive, Suite 150
Lake Forest, CA 92630

Subject: Phase I Environmental Site Assessment Report for the

Commercial Property

Located 225 South Walnut Street Troy, Miami County, OH 45373

LandScience Project Number: 20661291

Dear Mr. Santana,

LandScience is pleased to submit the attached report on a Phase I Environmental Site Assessment (ESA) for the above referenced property. The Phase I ESA was conducted in general accordance with good commercial and customary practice with respect to the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation, and Liability Act (i.e., Superfund) and petroleum products, as described in the American Society for Testing and Materials document Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM E 1527-05). The objectives of this assessment were to assess the current condition and use of the above referenced property, historical land uses at the above referenced property, and past and present uses of adiacent properties and their possible environmental impact on the above referenced property.

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in the AAI rule. We have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in the AAI rule.

LandScience appreciates the opportunity to assist you on this project. We look forward to providing you with our services again in the near future. Please feel free to contact us if you have questions concerning the report.

Yours Very Truly,

LandScience, Inc.

Samantha DelVecchio Environmental Scientist

amantha

Rob Ludicke, M.Sc., REP # 5985

President



UNITED STATES ENVIRONMENTAL PROTECTIO REGION 5 77 WEST JACKSON BOULEVARD CHICAGO, IL 60604-3590

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ON 5-10-17

REPLY

PROMPT REPLY NECESSARY VIA OVERNIGHT COURIER

Albert Mader, President Mader Motor Mart 225 S. Walnut Street Troy, Ohio 45373

Re:

No Response to Request for Information Pursuant to Section 104(e) of CERCLA West Troy Contaminated Aquifer Site, Miami County, Ohio CERCLIS Identification Number: OHN000508132

Dear Mr. Mader:

On October 30, 2012 the U.S. Environmental Protection Agency issued an Information Request to Mader Motor Mart, pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. § 9604(e). The Information Request was delivered on October 31, 2012 by Federal Express mail. This Information Request required Mader Motor Mart to provide certain documents and information within thirty (30) days of receipt. A copy of the Information Request is enclosed for your reference.

Although the deadline for Mader Motor Mart's response has passed, EPA has not received any response to the Information Request. EPA therefore requests that Mader Motor Mart comply immediately with that information request. A complete response to the Information Request is due within thirty (30) days of receipt of this letter. Mader Motor Mart may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203 (b). Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to Mader Motor Mart.

Continued failure to comply with EPA's Information Request, or to adequately justify such failure to respond, may subject Mader Motor Mart to an enforcement action seeking to compel compliance and collect penalties of up to \$37,500 per day of noncompliance pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5) and as adjusted by 69 Fed. Reg. 7121-27 (Feb. 13, 2004) (codified at 40 C.F.R. § 19.4) pursuant to the Debt Collection Improvement Act

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TP-7-191# ·

ENCLOSURE 2

INSTRUCTIONS

- 1. Answer each of the questions in this Information Request separately.
- Identify each answer with the number of the question to which it corresponds.
- 3. In answering each question, identify all persons and contributing sources of information.
- 4. Although the EPA seeks your cooperation in this investigation, Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. § 9601, et seq., (CERCLA) requires that you respond fully and truthfully to this Information Request. False, fictitious, or fraudulent statements or misrepresentations may subject you to civil or criminal penalties under federal law. Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to respond adequately to requests for information.
- 5. In answering each question, identify all persons and contributing sources of information.
- 6. You must supplement your response to EPA if, after submission of your response, additional information should later become known or available. Should you find at any time after the submission of your response that any portion of the submitted information is false or erroneous, you must notify EPA as soon as possible.
- 7. For any document submitted in response to a question, indicate the number of the question(s) to which it responds.
- 8. You must respond to each question based upon all information and documents in your possession or control, or in the possession or control of your current or former employees, agents, contractors, or anomeys. Information must be furnished regardless of whether or not it is based on your personal knowledge, and regardless of the source.
- 9. Your response must be accompanied by the following statement, or one that is substantially equivalent:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

ENCLOSURE 3

DEFINITIONS

- As used in these documents, words in the singular also include the plural and words in the masculine gender also include the feminine and vice versa.
- 2. The term person as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
- 3. The Site referenced in these documents shall mean the West Troy Contaminated Aquifer Site, Troy, Ohio.
- Facility or facilities means property or properties located within the area of , interest for the Site.
- The term hazardous substance shall have the same definition as that contained in Section 101 (14) of CERCLA, including any mixtures of such hazardous substances with any other substances, including petroleum products. Hazardous substances include, but are not limited to: chlorinated solvents or other chemical compounds containing tetrachloroethene (PCE), trichloroethene (TCE), cis-1,2-dichloroethene (DCE), and 1,1,1-trichloroethane (TCA),
- 6. The term, pollutant or contaminant, shall have the same definition as that contained in Section 101 (33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances.
- 7. The term release shall have the same definition as that contained in Section 101 (22) of CERCLA, and means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, tanks, and other closed receptacles containing any hazardous substance, pollutant, or contaminant.
- 8. The term identify means, with respect to a natural person, to set forth the person's full name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
- 9. The term *identify* means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set

ENCLOSURE 4

OUESTIONS

- State the dates during which you or your company have owned, operated, or leased a facility or any part thereof located the within the area of interest at the Site as illustrated on the map in Enclosure 6, and provide copies of all documents evidencing or relating to such ownership, operation, or lease arrangement (e.g. including but not limited to purchase and sale agreements, deeds, or leases).
- 2. Did you or any other person or entity ever use, purchase, store, treat, dispose, transport or otherwise handle any material containing chlorinated solvents, including but not limited to tetrachloroethene (PCE), trichloroethene (TCE), cis-1,2-dichloroethene (DCE), and 1,1,1-trichloroethene (TCA), at a facility within the boundaries of the Site? If the answer to this question is anything but an unqualified "no," with respect to each facility identify:
 - a) the chemical composition, characteristics, physical state (e.g., solid, liquid) of each material;
 - b) who supplied the material;
 - how, when, and where the material was used, purchased, generated, stored, treated, transported, disposed of or otherwise handled;
 - d) the quantity of such materials used, purchased, generated, stored, treated, transported, disposed of or otherwise handled;
 - e) all supervisory personnel for areas where chlorinated solvents were identified above. For all persons identified, indicate the years during which they were a supervisor and, to the best of your knowledge and belief, their duties and responsibilities.
- 3. Identify all past and present solid waste management units (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, or container storage areas,) at each facility you or your company have owned, operated, or leased within the area of interest at the Site. For each such solid waste management unit, provide the following information:
 - a) A map that shows the unit's boundaries and the location of all known solid waste management units, whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units;

Reg. 7121-27 (Feb. 13, 2004) (codified at 40 C.F.R. § 19.4) pursuant to the Debt Collection Improvement Act of 1996. EPA has the authority to use the information requested herein in an administrative, civil or criminal action.

Please contact Stuart Hersh, Associate Regional Counsel, at (312) 886-6235 or by email at hersh stuart@eps.gov if you have any legal questions regarding this matter. Technical questions should be addressed to Shari Kolak, Remedial Project Manager at (312) 886-6151 or by email at kolak shari@eps.gov. All other questions should be directed Found Dababneh, Enforcement Specialist, at (312) 353-3944 or by email at dababneh found@eps.gov.

Sincerely,

Sharon Jaffess, Chief

Enforcement and Compliance Assurance Branch

Enclosure:

Information Request 104(e) dated October 30, 2012

bcc: Stuart Hersh, ORC (C-14J)
Shari Kolak, (SR-6J)
Found Dababneh, (SC-5J)
Records Center, (SRC-7J)

treatment, disposal, transportation or handling of any materials containing chlorinated solvents at any facilities in the area of interest at the Site.

- 7. To the extent you believe that another person, including any previous property owner, is responsible for any leaks, spills or releases into the environment of any chlorinated solvents or materials containing chlorinated solvents at or from any facility you or your company have owned, operated, or leased within the area of interest at the Site, identify:
 - a) the name and address of that person or persons;
 - b) when, where, and how such leaks, spills or releases occurred;
 - c) the amount of each leak, spill or release; and
 - d) the detailed basis for your belief that each such person is responsible for leaks, spills or releases, including any transactional documents, reports, or other documentation supporting your belief.

- 6. Whether disclosure of the information or document would be likely to result in substantial harmful effects to your competitive position. If you believe such harm would result from any disclosure, explain the nature of the harmful effects, why the harm should be viewed as substantial, and the causal relationship between disclosure and the harmful effect. Include a description of how a competitor would use the information;
- 7. Whether you assert that the information is voluntarily submitted as defined by 40 C.F.R. § 2.201(1). If you make this assertion, explain how the disclosure would tend to lessen the ability of U.S. EPA to obtain similar information in the future;
- 8. Any other information that you deem relevant to a determination of confidentiality.

Please note that pursuant to 40 C.F.R. § 2.208(e), the burden of substantiating confidentiality rests with you. EPA will give little or no weight to conclusory allegations. If you believe that facts and documents necessary to substantiate confidentiality are themselves confidential, please identify them as such so that EPA may maintain their confidentiality pursuant to 40 C.F.R. § 2.205(8). If you do not identify this information and documents as confidential, your comments will be available to the public without further notice to you.